

**CALIFORNIA BIODIVERSITY COUNCIL  
Regional Meeting  
November 14 & 15, 2001  
Modesto, California**

***PRESERVING AGRICULTURAL LAND  
IN THE FACE OF ECONOMIC AND GROWTH PRESSURES***

**Members Present**

Mike Sweeney, California Resources Agency (Co-chair)  
Mike Pool, Bureau of Land Management (Co-chair)  
Doug Balmain, San Joaquin-Motherlode County Supervisors Association  
Steve Bennett, South Coast Association of County Supervisors  
Louis Blumberg, Department of Forestry and Fire Protection  
Bill Douros, Monterey Bay National Marine Sanctuary  
Dr. Helen Flach, USDA Natural Resources Conservation Service  
Jerry Harmon, San Diego Association of Governments  
Nancy Huffman, Northern California County Supervisors Association  
Diana Jacobs, Department of Fish and Game  
Beth Jines, California Environmental Protection Agency  
Paula J. Landis, Department of Water Resources  
Robert Meacher, Regional Council of Rural Counties  
Frank Michny, Bureau of Reclamation  
John Miller, California Conservation Corps  
Christine Nota, USDA Forest Service  
Rick Rayburn, California State Parks  
Steve Shaffer, Department of Food & Agriculture  
James Shevock, National Park Service  
Michael Shulters, US Geological Survey  
Alexis Strauss, US Environmental Protection Agency  
Darryl Young, Department of Conservation

**Wednesday, November 14, 2001**

**AN EDUCATIONAL FORUM ON HABITAT CONSERVATION PLANS (HCP) AND NATURAL COMMUNITY CONSERVATION PLANS (NCCP)**

Several counties in the San Joaquin Valley are considering an HCP or an NCCP. When should an HCP or NCCP be adopted and how is success achieved?

**Moderator**

John McCaull, California Regional Director, American Farmland Trust

John McCaull opened the session by introducing the three panelists and stating that the purpose of this local forum is to understand HCP/NCCP and the compliance issues facing the farming community.

## **What are Habitat Conservation Plans (HCP) and Natural Community Conservation Plans and How Do They Work?**

Gail Presley, Statewide Habitat Coordinator, California Department of Fish and Game  
Vicki Campbell, Chief, Conservation Planning Division, U.S. Fish and Wildlife Service

Vicki Campbell and Gail Presley began by over viewing these two types of regional conservation plans. California's population is growing by ever increasing proportions, thus increasing the competition for land and resources. They first asked the question of why should people consider a regional plan.

1. Land owner's goals can be met
  - a. Local control – this is not a top-down process
  - b. Streamlined permitting – faster and cheaper
  - c. Flexibility
  - d. Assurances – “no surprises”
2. Landscape conservation goals can also be met
  - a. Ecosystem approach is allowed
  - b. Multiple species focus
  - c. Helps recovery and reverses declines
  - d. Prevent the listing of new species
  - e. Affords coordination across land owners

Vicki then reviewed the main points of the 1973 Endangered Species Act. In 1982, Section 10 was added that allowed incidental take. This gave rise to HCP as mitigation for incidental take. This process is voluntary and is not required for ESA/CEQA compliance. It is a public process, usually led by local government that can address both listed and non-listed species. Additionally, it has a “5-point” policy that provides consistency for HCPs. Plans must:

- Identify biological goals/objectives
- Provide public participation by interested stakeholders
- Specify the duration of the plan (typical length = 20-60 years)
- Describe the monitoring protocols
- Discuss adaptive management process.

Gail then described the 1991 act that instituted the state Natural Community Conservation Planning process. It is an ecosystem approach to accommodating growth and development in ways that conserve species and ecosystems. It is locally driven and involves stakeholders through buy-in. It requires independent scientific input (science committees) and must have a planning agreement on the process to the agencies before starting.

At this point, both Gail and Vicki discussed the steps to starting a regional conservation plan such as the NCCP or HCP. You need to:

- Contact the agencies
- Set the scope and define the area
- Identify species and communities
- Define public participation process
- Decide on data needs, acquisition needs, and assessment techniques

In building the plan you must list the conservation principles, display and assess information, and design reserves and other conservation components. The variety of implementation mechanisms includes zoning, ordinances, mitigations, habitat set-asides, use of public land, conservation easements, and acquisitions.

The pair then discussed several aspects of monitoring and management.

#### Compliance Monitoring

- Plan components and agreements implemented as expected?
- Habitat gain and loss as expected?
- Schedule for work on track?
- Continuation of partnerships proceeding in a productive way?

#### Effectiveness Monitoring

- Species and system trends
- Compatibility of plan with other plans with similar focus
- Centralize data management occurring in ways that are productive on a larger scale

#### Preserve Management

- Adaptive process – you learn as you go and adjust as new information warrants
- Compatible uses allowed – grazing, farming, etc
- Coordination among landowners needed for integrated solution
- Public education desired to inform of the programs progress
- Public access not appropriate for many preserves

In closing, Gail and Vicki mentioned SB 107 (Sher). This incorporates many current practices and the existing non-regulatory guidelines into the NCCP process. As of November 14, the bill was out of the state Assembly and back to the Senate.

**More information is available on these state and federal regional conservation planning processes at the following locations:**

<http://www.dfg.ca.gov/nccp>

<http://endangered.fws.gov>

<http://sacramento.fws.gov>

### **Implementing an approved HCP – A Success Story**

Andrew Chesley, Deputy Executive Director, San Joaquin Council of Governments

Andrew Chesley described his experience with the San Joaquin County Multi Species Habitat Conservation Plan (MSHCP). The purpose is to coordinate growth and development with the Endangered Species Act and the business community heavily promoted the MSHCP. Again, this is a voluntary program covering agencies and developers who choose to use it. The benefits of the plan include:

- One-stop shop for permits
- Predictable costs and results
- Support by the environmental and business interests

- Provides one comprehensive plan over a large area (97 species are covered under CEQA and 25 species are covered under ESA/CEQA)
- Puts species conservation in local hands.

The land acquisition for the plan costs \$170 million and the total land is 110,000 acres – most of which will be protected by easements. Development fees cover two-thirds of the costs while other fees cover the remaining third. This MSHCP has a 50-year duration.

John McCaull, also the forum moderator, made a few closing comments. The US Fish & Wildlife Service and the CA Department of Fish & Game have no land-use responsibility or authority. But both agencies have a great affect on them through HCPs and NCCPs. Thus, too much planning is done by ESA and CEQA. John argues that:

- ESA and CEQA were developed for uses related to permanent change in land. So, the working landscape was not the target and should be assessed differently.
- The working landscape should be included in future NCCPs and HCPs along with residential and commercial developments.

### **Thursday, November 15, 2001**

#### **Welcome & Introductions – CBC Co-Chairs**

##### ***Mike Sweeney, Undersecretary for Resources, California Resources Agency***

Undersecretary Sweeney welcomed the group this morning and apologized for Secretary Nichols absence. Mr. Sweeney applauded the local work being done and was most appreciative of the discussion yesterday at the local forum, the field trip presentations, and the graciousness of the Lyons and Gallo families with the dinner at the Old Fisherman's Club. Mr. Sweeney also underscored the good work being done by agencies and growers – and what can be accomplished when working in cooperation.

##### ***Mike Pool, California State Director, Bureau of Land Management***

Director Pool reiterated Mr. Sweeney's comments about the astounding levels of cooperation and good work by good people in this area. He also thanked the Lyons family for arranging the dinner the following evening.

#### **Council Announcements**

Steve Shaffer, California Department of Food & Agriculture, welcomed the Council on behalf of the Secretary for Agriculture. In his comments, he stressed the importance of farming here in the San Joaquin Valley and the family nature of farming.

#### **Executive Committee Report**

##### **Christine Nota, USDA Forest Service, CBC Executive Committee Chair**

Chris first indicated that the budget for the Council is doing fine and reminded agencies to pay their dues. Secondly, Chris reviewed the upcoming meeting schedule for 2002. The Council has been invited to tour the Santa Ana Watershed Basin on Jan 10 & 11, 2002. ***[Editor's Note: the Santa Ana meeting has been moved to Wednesday, January 9 and Thursday January 10, 2002]*** The following Council meeting is scheduled for March 13 & 14, 2002 in Yuma, Arizona.

Chris then presented a proposal for the Executive Committee to review and further discuss the important issues that surface at these quarterly CBC meetings. Primarily, the Committee would further the dialogue generated by topics at the quarterly regional meetings. Chris noted that, on occasion, issues arise from the regional meetings and there is no formal process to support these issues and provide support and feedback. This motion was presented to the full Council and approved. With the motion approved, Chris presented appropriate revisions to the Executive Committee charter, which was also approved.

### **CBC Watershed Work Group Presentation: Cathy Bleier, California Resources Agency**

Ms. Bleier presented the latest summary of the WWG Permit Coordination Subcommittee. Landowners, counties, restorationists, and watershed groups have all identified the need to improve permitting coordination in order to make it easier to undertake resource stewardship and restoration projects and to expedite the implementation of projects that protect, improve, and restore native habitats and watersheds. The issues may be grouped into three categories: permit application assistance, permit application coordination, and permit review coordination. Various groups and task forces have identified options, recommended steps or are already implementing actions for addressing these issues. These include the Resources Agency's Task Force to Remove Barriers to Restoration, the Fish Passage Forum, CDFA's NFACT workshop, and CALFED. The recommendations from these efforts include the following:

#### ***Removing Barriers to Restoration***

- Create categorical exemption for small restoration projects
- Develop regional pilot Technical Review Teams for large restoration projects
- Create permit assistance center for landowners doing conservation projects
- Assist in the expansion of watershed-based permit coordination programs
- Develop state watershed planning guide
- Develop a pilot program EIR for projects associated with watershed plan
- Develop state policy to support safe harbor

#### ***CA Department of Food and Agriculture's 200 NFACT workshops***

- Reduce paperwork and simplify permit process for conservation projects
- Create data repositories categorical exemption for small restoration projects
- Promote uniformity in local and national environmental standards
- Establish process for pre-approval of conservation practices
- Eliminate conflicts among federal agencies on regulations affecting farm land
- Make Endangered Species Act user friendly

#### ***Fish Passage Forum***

- Coordinate 1600 permit review with Corps 404 permit and NMFS consultation
- Consider use of joint aquatic resources permit application in additional regions

#### ***CALFED***

- Permit handbook
- Project and permit tracking

### Next Steps

Many of these recommendations overlap. The Permit Coordination Subcommittee for the CBC Watershed Work Group will examine opportunities for moving some of these forward. Initial steps include getting updates on:

- JARPA process
- San Mateo handbook developed in response to JARPA
- CALFED permit coordination efforts
- DFG's 1600 program coordination plans
- American River CRMP program EIR progress or other efforts

### **Local Forum Report – Diana Westmoreland-Pedrozo, American Farmland Trust**

The opening presentation by Vicki Campbell, US Fish and Wildlife Service (US FWS), and Gail Presley, California Department of Fish and Game (CDFG), emphasized the coordinated nature of Habitat Conservation Plans (HCP) and Natural Community Conservation Plans (NCCP). In response to an audience question, it was emphasized that if a regional conservation plan is being developed there is no real choice in the matter of whether a jurisdiction/region should do an HCP/NCCP. They are the state and federal equivalents of each other and you need them both.

Questions in response to the joint presentation focused on determining:

- The appropriate size of a planning area;
- How are agricultural lands to be treated in such a planning process;
- Who drives the process (i.e.: local interests versus the wildlife agencies); and
- How are these plans funded

The presenters were clear that the US FWS and CDFG are not going to tell a community how or where to grow or develop. A community consensus process is essential to developing and completing an HCP/NCCP.

Andrew Chesley (Deputy Executive Director, San Joaquin Council of Governments) gave a detailed presentation on the San Joaquin County "747" HCP. [The "747" refers to the fact that the process took seven years, four months, and seven days.] He focused on the collaborative nature of the process, activities covered under the plan, financing plan's implementation and special protections for agricultural "neighbors" through an up-front mitigation strategy. The plan was voluntary and developers have the option of using it or a separate process.

The "neighboring landowner" protection provisions provide legal protection to farmers if endangered species are harmed or taken in the course of normal farming practices if those species migrate onto his/her property, the neighboring landowner must ask for this protection. Having the County "pay" for an additional 600 acres of upfront mitigation lands in the plan facilitated this legal protection. This protection does not apply if the farmer shifts to another agricultural use. Questions focused on the mechanisms of purchasing conservation easements; How lands under easements would be farmed and managed; and How the County was planning on leaving some of these lands to engage in wildlife-friendly farming.

In his final comments, Moderator John McCaull focused on several themes:

- The need to recognize that the HCP/NCCP planning has borne too much of the weight of land use planning in California and is not a substitute for communities developing sound, long-term land use plans that look at all infrastructure needs, including open space and habitat protection.
- The need to recognize that the HCP/NCCP process does not yet have a good formula or approach to integrate the needs of the “working landscape” into a species mitigation plan. This was reinforced by the recognition that the San Joaquin County HCP process does not have a mitigation approach for species impacts from ongoing ag operations.
- If we want to increase landowner participation in habitat restoration projects, the state and federal government needs to develop a joint policy for landowner assurances for agricultural issues (i.e.: Safe Harbor).

Additionally, Diana asked that Fish and Game Director, Robert Hight, convene a task force of interested parties to develop landowner assurances and incentive programs for habitat restoration on the “working landscape.” Ms. Pedrozo indicated that farming interests would be more than happy to sit at the table and American Farmland Trust would be right there as well. Mike Sweeney indicated he would relay the message to Director Hight.

***PANEL 1: ECONOMIC CHALLENGES FACING AGRICULTURE-Impacts on Agricultural Lands and the Habitat They Sustain***

**Overview and Introduction**

**Paul Wenger, Walnut Rancher and 2<sup>nd</sup> Vice President of the California Farm Bureau Federation (Stanislaus County)**

The California agriculture industry is fighting for survival due to competition from abroad. Farmers are now “price takers” not “price setters.” Overall prices are down while regulations and costs are ever increasing. Overall, our regulations for workers, environment, etc are making farming non-competitive when compared to foreign countries that do not have similar constraints.

**Economic Overview of the San Joaquin Valley**

**Maxwell Norton, Farm Advisor, UC Cooperative Extension**

California’s great Central Valley is a large place with an extremely diverse amount of land uses and ecosystems. The number and variety of crops produced is probably greater than any regional world. This is made possible by the rare combination of productive soils, Mediterranean climate and the availability of irrigation water during the growing season. Unfortunately this finite and unique resource is being converted to other uses at increasing rates.

This problem is not unique to California. Prime farmland is being converted to other uses at very high rates in many areas of the US and the world. Yet, California’s population is growing faster than many third world countries. Most of our intensive farming and high value crops are produced on soils classified as prime or statewide important. Most of the Central Valley’s fastest growing cities are located on these soils. Efforts to divert urban

growth onto the least productive soils are often complicated by vernal pool and endangered species issues.

There is a clear linkage between the soils, water, climate and jobs in the state. The soils, water, and climate attract farmers. The agricultural processors were located near the farms and their source of raw product. The distribution centers also needed to be near the processors and packers. And last, the trucking companies serve them all. If you include the agricultural processing industries, agriculture is the state's largest employer.

A large portion of California's agricultural output is exported. Even Mexico, a third world nation, purchases roughly \$1 billion worth of agricultural products from us each year. California is the nation's number one agricultural export state and accounts for 17% of the nation's exports. For every billion dollars in agricultural exports, 27,000 jobs are created. Every dollar of exports generates about \$1.70 in economic activity.

Unfortunately, our export markets are being threatened by the importation of exotic pests and diseases. The presence of these invasive pests provides other countries with excuses to close their markets to California products.

An essential element to all of this is a reliable supply of water. Water is not only essential to producing the raw product, but most of our food processing industries are very water intensive and cannot be sited where there is not sufficient water and sewer capacity.

California agriculture faces some very serious challenges and its survival will depend on decisive action on the part of the state and federal policy makers. Policies to slow the rate of farmland conversion must include the following:

- Increase housing densities in all urban zoning categories
- Resolve water availability issues
- Discourage the splitting farms into small, uneconomical units
- Require mitigation for the loss of prime and statewide important farmlands
- Permanently protect the most productive farmlands with conservation easements

More information is available at <http://aic.ucdavis.edu>.

### **The Farmer's Perspective on Economic Challenges**

**Paul Wenger, Walnut Rancher and 2<sup>nd</sup> Vice President California Farm Bureau Federation**

Land is now a commodity rather than the products it provides. There is a growing trend away from family farms and into corporate and absentee owners. This leaves no incentives for contribution for environmental protection. The current estate taxes make much more farmland available to speculators who can pay prices well above the appropriate agricultural values.

Additionally, water supply is key to agriculture, but simultaneously it is highly desired for urban uses. Agriculture cannot compete with the prices that the urban community is willing to pay. It is apparent that new supplies are necessary.



## **Extending Credit to Landowners**

**Timothy Leach, Senior Vice President, Fresno-Madera Farm Credit**

The Farm Credit System was congressionally formed cooperative in 1960. It is for agriculture lending only. It is not a government entity, but it is funded by bond sales secured by the federal government and they have never used a federal bailout.

The clientele for the Farm Credit System is unique. Currently, less than one percent of Californians are farmers (89,000). The average age is 58 years, many are third and fourth generation farmers, and for many, retirement is quickly approaching. A large proportion of these 89,000 farm only part time and work elsewhere. And few have a new generation with the desire to continue in the family's farming business.

Vertical integration (links with the processors) is a growing trend. Cooperatives and corporate ventures are growing dramatically as well.

Lenders look closely at equity and payback potential, which is declining for most farmers and making lending more risky. Loans are rarely given to farms without some firm source of water.

## **The Economics of Public Land Acquisition**

**David E. Gallo, Professor of Economics, California State University, Chico**

Professor Gallo is currently doing a study in Stanislaus County on the economic effects of land acquisition for habitat restoration programs along the Tuolumne River. He recently finished a similar study in Northern California: The Economic Impact on Butte County of Anadromous Fish Restoration Program Actions on Agricultural Lands in the Butte Creek Watershed.

The professor's general approach to this type of study includes the following:

1. Using Geographic Information Systems (GIS), he determines the dollar per acre value of crops to indicate the direct impacts.
2. They impart the standard multipliers on income to determine the level of spending.
3. The result is the value of conservation easements.

Professor Gallo estimates that the dollar value of Stanislaus County agricultural land is \$1217 per acre, which means \$4.7 million per year for conservation easements. There are benefits to this change as well, although they are tough to quantify.

## **Local Partnerships Planning Process: Addressing Local Communities' Concerns about Habitat Restoration**

**Tim Ramirez (Water Policy and Science Advisor, Resources Agency) representing Patrick Wright, Executive Director, CALFED**

The CALFED agencies recognize there is a potential for a much greater level of wildlife and wildlife habitat conservation if landowners and local communities are provided with incentives and support to join in conservation partnerships. Many landowners and local

communities have expressed concerns about habitat restoration because they believe they may be prevented from continuing to farm, ranch, provide flood control, or carry out other activities on or near lands preserved or enhanced for conservation purposes. To address these and other concerns, and to promote conservation partnerships with landowners and local communities, the CALFED agencies are proposing to implement actions in five areas (summarized from handout):

1. **Regulatory Assistance/Streamlining** – the CALFED agencies will assist in the development of one or more pilot projects designed to encourage and support participation by agricultural landowners and farm operators in local conservation initiatives.
2. **Coordination of State and Federal Assistance Programs** – CALFED agency funding will be coordinated with funding for existing agricultural programs and activities. CALFED Program staff will work with the Dept of Conservation, Dept of Food & Ag, USDA NRCS, and other appropriate agencies to develop new, joint agricultural land conservation programs, or to identify ways that CALFED funding or other assistance can advance existing programs.
3. **Funding Habitat Restoration and Enhancement Projects that Minimize Impacts to Agricultural Land** – Proposal solicitations for CALFED Ecosystem Restoration Program projects ask applicants to describe agricultural land uses and potential changes to those uses associated with their proposal. Although a variety of factors will be considered, these factors will be used to help select projects that will minimize impacts to agricultural lands.
4. **Research** – The CALFED agencies will develop one or more white papers addressing various topics relating to wildlife-friendly agriculture, including which types of agricultural practices (rice fields, winter flooding, partial harvest) are “friendly” for which species; the ecological benefits of wildlife-friendly agriculture as compared to habitat restoration; what forms of agriculture are tolerant of river meander processes; and what agricultural uses are compatible with or beneficial to wildlife habitat.
5. **Public in-lieu Taxes** – The CALFED agencies will examine the application of State and Federal in-lieu tax requirements to CALFED projects, and explore ways to maximize the payment of in-lieu taxes

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*After lunch, the Mike Pool and Mike Sweeney recognized Council staffer Erin Klaesius. Erin was presented with a Superior Service Award for outstanding coordination and support to the California Biodiversity Council. Erin's supervisors had each recorded comments that Mr. Pool and Mr. Sweeney read during the presentation of the award. Bill Douros requested that Erin's award also be recognized in the next issue of the Biodiversity Council newsletter.*

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## **PANEL 2: AGRICULTURE AND ENVIRONMENTAL ENHANCEMENT PROGRAMS AT THE LOCAL LEVEL - Incentives and Barriers to Participation**

### **Moderator**

**Pam Giacomini, Cattle Rancher (Hat Creek) and Director, Natural Resources and Commodities, Governmental Affairs Division, California Farm Bureau Federation**

Pam introduced the afternoon panel that consisted of four local voluntary programs.

### **Dairy Quality Assurance Program**

**Denise Mullinax, Dairy Education Coordinator, Hilmar Cheese**

To begin, Ms. Mullinax reviewed the history and organization of Hilmar Cheese. It is a privately held corporation, established in 1984, and owned by 11 Jersey dairymen. It is the largest integrated and whey products operation on a single site in the world. They firmly believe that quality people and milk make quality products. Hilmar Cheese purchases milk from over 250 dairymen, primarily in Merced and Stanislaus Counties. They employ over 400 people and produce 1 million pounds of cheese and 325,000 pounds of whey protein and lactose per day.

Through consumer awareness (Dairy Issues Forums), proper education, and sound science, Hilmar Cheese protects its marketplace. Through partnerships and trust, Hilmar can develop quality assurance of its products. To that end, they have developed the California Dairy Quality Assurance Program (CDQAP). The program focuses on human, environmental, and animal health. The goals include expanding markets and reducing regulations. The program is voluntary and managed by the industry and provides a certification process for products that are produced in ways that meet the industry standards. The CDQAP is a three step process consisting of a 1) training session; 2) management plan; and 3) Third-Party Site Evaluation. The third step is non-regulatory and only an education tool and the records of the site evaluation remain on the dairy.

Denise noted that the keys to the success of the program have been that it is producer driven, science based, and compliance driven. To date, there are over sixty producers that have been certified. That certification lasts three years and may shorten if major operations change.

### **Lodi-Woodbridge Wine Grape Commission – Sustainable Farming Program**

**Cliff Ohmart, Research and Integrated Pest Management (IPM) Director, Lodi-Woodbridge Wine Grape Commission**

Mr. Ohmart explained the details of the Lodi-Woodbridge Winegrape Commission (LWWC). It includes all 750 growers in Crush District #11. The Commission was voted in by the growers in 1991 and is funded by an assessment on the grape crop produced. It contains over 80,000 acres of winegrapes and is North America's leading producer of Cabernet Sauvignon, Merlot, Zinfandel, Sauvignon Blanc, and Chardonnay (with a farm gate value of \$300 million). The LWWC was formed to:

- Differentiate Lodi from other winegrape regions
- Develop local research programs
- Be pro-active on regulatory issues
- Utilize the long history of cooperation
- Develop environmentally friendly farming programs

The funding for the LWWC projects have come from (past and present) Kellogg, UC SAREP, US EPA Region 9, US EPA PESP Program, CALFED Bay-Delta Program, the Great Valley Center, and the Commission itself.

Mr. Ohmart then elaborated on the structure of the LWWC Sustainable Farming Program:

- Stage One: Grower Outreach (through grower education)
- Stage Two: Field Implementation (through demonstration and encouragement)
- Stage Three: Area-wide Implementation (using the Lodi Winegrower's Workbook)

The essential program elements are that it is a grower-driven program; there are partnerships with the stakeholders; and there are incentives for the participants.

The take home messages regarding the program were that it is grower-driven; it's an effective partnership; the program is viewed as valuable to its participants. It is too soon to evaluate the effects on farming practices at this point in time.

### **Components for Successful Farmland Protection Programs**

#### **Tim Byrd, President, Stanislaus Farmland Trust**

Mr. Byrd noted that California has been the nation's number one agricultural state for over 50 years. We have 350 different agricultural products, which produces 55% of the nation's fruits, nuts, and vegetables as well as 25% of all food consumed nationally. In Stanislaus County, the farm gate receipts exceed \$1 billion as compared to the \$4 billion of economic activity in the County overall.

The specific components of a farmland protection program include:

- General plan/Agriculture Element
- Zoning
  - Segregating incompatible uses
  - Permitting "vertical integration"
- Directing growth away from the best farmland and encouraging infill
- Right-to-Farm Ordinance
- Antiquated Subdivision Ordinance
- Williamson Act
- Super Williamson Act/Farmland Security Zones
- Redevelopment Agencies/Infill
- Cooperation among cities and counties
- Tax Share
- No extension of urban services
- Local Agency Formation Commission (LAFCO) policies
- Mitigation (Yolo County)
- Growth Control Measure, Initiatives
- California Environmental Quality Act
- Habitat Conservation

Mr. Byrd then gave a bit of background on conservation easements in which the owner agrees to certain restrictions over the type and amount of development. The property owner receives payment based on a formal appraisal. The easement terms usually allow the construction of agricultural-related buildings and some housing. And with conservation easements, the fee title always remains with the landowner and the easements runs with the land in perpetuity.

The Stanislaus Farmland Trust has a set of Easement Guidelines that they use when looking at a potential conservation easement site:

1. Soils
2. Water
3. Agriculturally Viable
  - a. Parcel size
  - b. Not Surrounded by City
4. Effective Buffer
5. Urbanization Pressure
6. Consistent with Local Plan

The first project for the Trust has been selected and is 764 acres.

In closing, Tim noted that there are a number of challenges and barriers to completing a conservation easement transaction. Education, complex transactions, funding, strategic purchases, friendly, and local agency support all contribute to the success or failure of the project.

***Discussion:***

- Darryl Young asked the following question: When will the CA Farm Bureau Federation will establish it's own ag easement program similar to the Cattleman's association program?
  - Tim Byrd indicated that there are two viewpoints on the benefits of such a program. It is possible to see both the positive and negative effects.
  - Paul Wenger added that the Farm Bureau will be producing a brochure identifying the components and benefits for individual members of the Farm Bureau.
- An audience member asked about the issues of maintaining conservation easements in perpetuity – specifically when crop prices decline.
  - Tim Byrd responded that you can factor risk that into the actual terms of the easement.

**Farming with a Habitat Conservation Easement**  
**Tony Van Steyn, Alfalfa grower and rancher**

Mr. Van Steyn owns a family farm near Elk Grove. He noted that nearly 75% of agricultural lands have been lost to development in the last twenty-five years.

Initially, Mr. Van Steyn had wanted to purchase additional land adjacent to his own. This extra acreage would allow him to expand his operation and generate more revenue to keep afloat with falling agriculture product prices. However, the land prices were so extravagant that it was just too expensive to purchase the adjacent property. At that point, he initiated a conservation easement on his own existing property with The Nature Conservancy (TNC). Tony used the money that he received from TNC to purchase the adjacent land.

His motivation for the conservation easement was to keep the land in agriculture production while also keeping his business and family viable. Additionally, Tony spoke about the general perception of conservation easements. He felt that education about easements is the key to gaining the support of a suspicious agricultural community.

### **Public Comment**

Although Nancy Huffman (Modoc County Supervisor and CBC representative) has been a member of the Biodiversity Council for many years, she asked that she switch “hats” for a moment and make a public comment. She wanted to commend the Biodiversity Council for choosing to focus on agriculture and issues that landowners are facing. She has spent years listening to discussions about habitat issues and has always tried to reinforce the perspective of the rural landowner. Nancy greatly appreciated that the Council chose this time to view these issues and concerns through the eyes of a landowner and not an agency representative or director.

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